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OFFICE OF PETITIONS

In re Application of :
Wen-Shyong Liao :
Application No. 09/812,326 :
Filed: March 20, 2001 :
Attorney Docket No. 0698-0189PUS1 :

ON PETITION

This is a decision on the petition, filed March 30, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the final Office action mailed September 11, 2002. A Notice of Abandonment was mailed on April 16, 2003. On March 30, 2005, petitioner submitted, *inter alia*, a petition under 37 CFR 1.137(b) and a Request for Continued Examination (RCE) under 37 CFR 1.114.

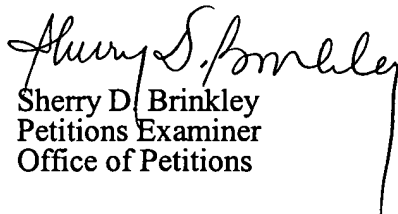
37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. It is noted that the above-identified application has been abandoned for an extended period of time. Therefore, the U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The application is being revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2834, for further processing of the request for continued examination under 37 CFR 1.114 filed March 30, 2005.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions